

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**WILLIE J. ARMSTRONG HAMILTON,  
et al.,**

**Plaintiffs,**

**VS.**

**DEPARTMENT OF VETERANS  
AFFAIRS, et al.,**

## Defendants.

8:03CV443

## ORDER

This matter is before the court *sua sponte*. On May 23, 2005, the plaintiffs filed a fourth amended complaint. **See** Filing No. 37. The fourth amended complaint was filed without leave of court in contravention of Federal Rule of Civil Procedure 15. Counsel for the plaintiffs is reminded both the federal rules and the local rules must be complied with otherwise filings may be stricken from the record and/or sanctions may be imposed against the offending party. The plaintiffs have given no explanation for their repeated failure to comply with the rules. However, because no defendant has yet been served, the court finds no prejudice by allowing the plaintiffs an opportunity to seek the court's permission to again amend the pleadings. Accordingly, the plaintiffs shall have such opportunity to comply with both Federal Rule of Civil Procedure 15 and NECivR 15.1 of the civil rules for the United States District Court for the District of Nebraska. In the plaintiffs' motion, they shall explain why justice requires they be allowed to make the amendment (Fed. R. Civ. P. 15) and attach a copy of the proposed amended pleading to the motion (NECivR 15.1). Upon consideration,

**IT IS ORDERED:**

1. The Clerk of Court shall strike the plaintiffs' fourth Amended Complaint (Filing No. 37) from the record.

2. The plaintiffs shall have to **on or before May 31, 2005**, to file a motion for leave to file a fourth amended complaint, in compliance with Fed. R. Civ. P. 15 and NECivR 15.1.

3. The plaintiffs' erroneously filed Motion for Extension of Time (Filing No. 36) is denied as moot.

DATED this 24th day of April, 2005.

BY THE COURT:

/s Thomas D. Thalken  
United States Magistrate Judge